

U.S. Patent Application Serial No. 10/030,095
Amendment filed September 24, 2004
Reply to OA dated June 24, 2004

REMARKS

Claims 4-8 and 11-15 are currently pending in this application. Claims 13 and 15 have been amended. The applicant respectfully submits that no new matter has been added.

New Rejections

The Examiner has indicated that the amendment filed on April 20, 2004 is objected to under 35 USC §132 because it introduces new matter into the disclosure.

In the present case, the specification at page 4, lines 5-12, recites that the body layer comprises a polyamide resin, and that the barrier component is based on a fluorine resin and the adhesive component is based on a modified fluorine resin. Page 5, lines 13-24 to page 6, line 3, of the present specification disclose that Fig. 1 shows a “barrier layer 18 *consisting of* a thermoplastic resin controlling fuel permeation...”

Page 7, line 23, of the present specification teaches that the “body layer 14 is composed desirably of polyamides.” Page 8, paragraphs 4 and 5, teach that “It is desired that the barrier component is based on a fluorine resin...on a modified fluorine resin” and that “...the fluorine resin is chemically inert and thus hardly causes the interaction resulting from reaction with fuels. *In addition, the fluorine resin is characterized by having significantly lower fuel permeability than that of the polyamide.*”

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Further, in support of our assertion that the exclusion of nylon from the barrier layer does not constitute new matter, we note that the Examples at pages 15-17, exemplify a construct consisting of a nylon body layer, and an inner and outer barrier layer each consisting of modified ETFE and conductive ETFE. The barrier layers do not include nylon.

Claim 14 is rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement.

Claim 14 has been canceled making this rejection now moot.

Claims 4-6 and 11-15 are rejected under 35 USC §103(a) as being unpatentable over Hunter (U.S. Patent No. 5,891,373) in view of Spohn (U.S. Patent No. 6,127,478).

The Office Action asserts that it would have been obvious to the skilled artisan to have provided Hunter with an innermost barrier layer as taught by Spohn, in order to make a fuel hose which is resistant to chemical attack as taught by Spohn.

Again, Hunter requires a polyamide/nylon outer layer, an inner barrier layer and two adhesive layers, where the two adhesive layers are ETFE blended with nylon. Hunter does not teach or suggest a construct absent adhesive layers. Hunter does not teach or suggest an adhesive layer absent a polyamide or nylon.

Spohn is directed to blends of grafted fluoropolymer and polyamide. The blend includes polyamide as the matrix and fluoropolymer having polar functionality, dispersed in the polyamide matrix. Spohn discloses that suitable polyamides include nylons. Spohn does not teach or suggest

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a construct absent a blend layer. Spohn does not teach or suggest a blend absent a polyamide or nylon.

Claim 13 has been amended to exclude nylon now making a conclusion of obviousness based on the combination of Hunter and Spohn logically not feasible. Furthermore, Claim 15 has been amended to recite that the adhesive component consists of one or more modified fluorine resins, and the barrier component consists of one or more fluorine resins, which also makes the conclusion of obviousness not logical based on the combination of Hunter and Spohn.

It is respectfully requested that this rejection be withdrawn.

Claims 7-8 are rejected under 35 USC §103(a) as being unpatentable over Hunter (U.S. Patent No. 5,891,373) in view of Spohn (U.S. Patent No. 6,127,478) and further in view of Yokoe et al. (U.S. Patent No. 5,919,326).

Yokoe does not cure the deficiencies of Hunter and Spohn, taken alone or together. It appears that all of the Examples of Yokoe use nylon as nylon is used in Examples 1-5 and all other Examples are modifications of the base Examples 1-5 (co. 15, line 46-47; col. 16, lines 28 and 54; col. 17, line 26; col. 20, lines 24, 39 and 54; and col. 21, line 55).

As far as the use of modified fluorine resins of Claim 15, Yokoe discusses the disadvantages of two surface modified fluorine-containing resins in the Prior Art section of the patent in col. 1, lines 57-67. However a disclosure of the disadvantages of surface modified fluorine resins will not logically lead to the conclusion of using modified fluorine resins as now claimed in Claim 15.

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The combination of Yokoe with Hunter and Spohn does not at all logically make obvious the invention as now claimed. It is respectfully requested that the rejection be withdrawn.

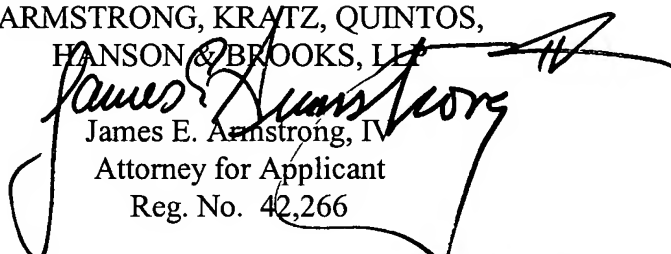
In view of the aforementioned amendments and accompanying remarks, the claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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